

Message Text

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45

ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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R 302300Z JAN 76

FM AMEMBASSY LIMA

TO SECSTATE WASHDC 8620

INFO AMEMBASSY BRASILIA

AMEMBASSY LA PAZ

AMEMBASSY SANTIAGO

AMEMBASSY CARACAS

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EO 11652: NA

TAGS: PFOR, PBOR, CI, BL, PE

SUBJ: POSSIBLE BOLIVIAN OUTLET TO THE SEA: PERUVIAN

NOTE OF JANUARY 29

ON JANUARY 29, THE PERUVIAN FOREIGN MINISTER SENT A FURTHER NOTE TO THE CHILEAN FOREIGN MINISTER ON A POSSIBLE BOLIVIAN OUTLET TO THE SEA THROUGH THE FORMER PERUVIAN TERRITORY OF ARICA. CITING THE PRESENT JURIDICAL-TERRITORIAL-SOCIO-ECONOMIC REGIME OF THE TACNA-ARICA AREA, AS PROVIDED FOR IN THE TREATY OF LIMA AND COMPLEMENTARY PROTOCOL OF 1929, THE PERUVIAN FONMIN PROPOSED JOINT PERUVIAN-CHILEAN "ANALYSIS" AND "CONVERSATIONS" TO EXAMINE THE IMPLICATIONS OF SEPARATING THE TWO PARTS OF THE EXISTING ZONE BY A BOLIVIAN CORRIDOR. THE PERUVIAN NOTE REFERS TO THE NEED TO FIND SOLUTIONS TO PROBLEMS ARISING FROM FUNDAMENTAL CHANGES IN THE EXISTING REGIME THAT WOULD IN THEMSELVES GUARANTEE PERMANENT PEACE. FOLLOWING IS AN INFORMAL TRANSLATION OF THE NOTE DELIVERED TO THE CHILEAN AMBASSADOR JANUARY 29 AND PUBLISHED THE FOLLOWING DAY.
SPANISH TEXT IS BEING POUCHED TO ADDRESSEES. BEGIN TEXT:

QTE. I HAVE HAD THE HONOR TO ACKNOWLEDGE YOUR EXCELLENCY'S

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NOTE OF JANUARY 7 IN WHICH, IN RESPONSE TO THE NOTE I SENT YOU

DECEMBER 31 LAST YEAR IN THE NAME OF THE PERUVIAN GOVERNMENT, REFERENCE IS MADE TO THE DELIVERY BY THE AMBASSADOR OF CHILE IN LIMA OF THE COMMUNICATIONS EXCHANGED BETWEEN REPRESENTATIVES OF THE GOVERNMENTS OF BOLIVIA AND CHILE, FOR THE PURPOSE OF SETTING THE FRAMEWORK FOR NEGOTIATIONS ABOUT THE LAND-LOCKED STATUS OF THE FORMER, THROUGH THE CESSION OF A STRIP OF TERRITORY IN THE PROVINCE OF ARICA IN EXCHANGE FOR AS YET UN-DETERMINED TERRITORIAL COMPENSATIONS AND OTHER CONDITIONS.

IN ACCORDANCE WITH WHAT YOUR EXCELLENCY EXPRESSED, THE AMBASSADOR OF CHILE IN LIMA GAVE ME COPIES OF THE TEXTS OF THE "AIDE MEMOIRE" DATED AUGUST 26, 1975 WHICH CONTAINS THE BOLIVIAN PROPOSAL; OF THE DECEMBER 16 NOTE SENT BY THE AMBASSADOR OF BOLIVIA IN SANTIAGO TO THE MINISTER OF FOREIGN RELATIONS OF CHILE; AND OF THE DECEMBER 19 COMMUNICATION OF THE GOVERNMENT OF CHILE, THROUGH ITS MINISTER OF FOREIGN RELATIONS, REPLYING TO THE BOLIVIAN PROPOSAL.

MY GOVERNMENT HAS STIDUED WITH THE NECESSARY ATTENTION THE OFFICIAL DOCUMENTS THAT YOUR EXCELLENCY MADE AVAILABLE TO ME. THIS STUDY MAKES CLEAR THAT THERE ARE IN THE PROBLEM, AS IT HAS BEEN APPROACHED UP TO NOW, IMPORTANT ELEMENTS AMONG WHICH THERE IS AN OBVIOUS RELATIONSHIP: THE RECIPROCAL OFFERS PUT FORWARD BY CHILE AND BOLIVIA; THE 1929 TREATY OF LIMA AND ITS COMPLEMENTARY PROTOCOL; AND THE IMPLICATIONS (PROYECCIONES) THAT WOULD FLOW FROM THE FUNDAMENTAL ALTERATION OF THE JURIDICAL STATUS, TERRITORIAL DISTRIBUTION, AND THE SOCIO-ECONOMIC STRUCTURE OF A WHOLE REGION.

FROM EXAMINATION OF THE TREATY AND SPECIFICALLY THE PROVISIONS OF ITS 2ND, 5TH, 7TH AND 10TH ARTICLES IT IS CLEAR THAT IN ESTABLISHING THE POLITICAL SEPARTATION OF THE TWO FORMER PERUVIAN PROVINCES OF TACNA AND ARICA, THUS DISLOCATING THEIR TRADITIONAL GEOGRAPHIC, SOCIAL AND ADMINISTRATIVE COHESION, THE NEGOTIATORS ESTABLISHED A SUBSTITUTE COORDINATED INTER-RELATIONSHIP OF THE TWO TERRITORIES; OR STATED IN ANOTHER WAY, THEY CREATED FOR THEM A NEW LEGAL STATUS OF HARMONIOUS CO-EXISTENCE, OF MUTUAL ECONOMIC COOPERATION AND OF REAL AND CONTIGUOUS REGIONAL INTEGRATION. IN THAT SPIRT, THE PROVISIONS OF THE TREATY SANCTIONED (CONSAGRARON) A PERUVIAN PRESENCE IN UNCLASSIFIED

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ARICA, SET FORTH IN A BODY OF SPECIFIC RIGHTS.

THE VITAL SIGNIFICANCE AND THE PROJECTION INTO THE FUTURE OF THIS STATUS INDICATED AS ADVISABLE TO THE SIGNATORIES OF THE TREATY THE INCLUSION IN THE TEXT OF A SPECIAL CLAUSE TO COVER THE POSSIBILITY OF A CHANGE OF OWNERSHIP OF THE ZONE. THAT WAS THE PRECISE PRUPOSE OF ARTICLE 1 OF THE COMPLEMENTARY PROTOCOL OF 1929.

THEREFORE, IN VIEW OF THE BOLIVIAN PROPOSAL TO THE GOVERNMENT OF CHILE ABOUT CONCERNING AN OUTLET TO THE SEA THROUGH ARICA, MY GOVERNMENT CONSIDERS IT NECESSARY THAT PERU AND CHILE SHOULD PREVIOUSLY ANALYZE THE PROBLEM BOTH IN ITS LEGAL ASPECTS AS WELL AS IN CONTEXT OF THE INTERESTS THAT CORRESPONDS TO BOTH OUR COUNTRIES TO EVALUATE. THIS ANALYSIS SHOULD BE IN FULL COMPLIANCE WITH THE TREATY OF LIMA OF 1929 AND ITS INTEGRAL PROTOCOL, AND SHOULD CONSIDER AND EVALUATE THOSE MEASURES DESIGNED TO DEAL WITH THE COMPLEX OF CONDITIONS EMERGING FROM AN EVENTUAL MODIFICATION OF THE PERUVIAN-CHILEAN STATUS OF THE REGION, AS WELL AS THE IMPACT AHT SUCH A CHANGE WOULD HAVE ON THE ECONOMIC AND SOCIAL LIFE OF THE PEOPLE OF THAT ZONE DUE TO THE INTERRUPTION OF THE PRESENT TERRITORIAL CONTIGUITY BETWEEN TACNA AND ARICA.

IN THE VIEW OF PERU, THE EXAMINATION OF THE PROBLEM SHOULD BE FUNDAMENTALLY DIRECTED TO THE SEARCH FOR A SOLUTION WHICH, THROUGH A JUST APPRECIATION OF THE RIGHTS AND INERESTS INVOLVED, IN ITSELF WOULD CONSTITUTE THE GUARANTEE OF A PERMANENT PEACE.

IN CONSEQUENCE OF THE FOREGOING, MY GOVERNMENT FORMALLY PROPOSES THE HOLDING OF CONVERSATIONS ON THIS IMPORTANT MATTER WITH YOUR EXCELLENCY'S GOVERNMENT. IT DOES SO IN THE CONVICTION THAT THESE CONVERSATIONS WILL CONTRIBUTE TO INCREASING THE EFFECTIVE BASES OF LASTING FRIENDSHIP AND COOPERATION AMONG PERU, CHILE AND BOLIVIA.

(COMPLIMENTARY CLOSE.) END TEXT.

DEAN

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